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6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,

9  
10 Plaintiff,

11 v.

12 PAUL AARON MURRAY,

13 Defendant.  
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15

CASE NO. 2:18-CR-0053-TOR

STIPULATED PROTECTIVE  
ORDER RE: COMPUTER  
FORENSIC REVIEW PROCEDURES

16 BEFORE THE COURT is the parties' Stipulated Motion for Protective Order Re:  
17 Computer Forensic Review Procedures. ECF No. 298. The motion was submitted for  
18 hearing without oral argument on an expedited basis. Having reviewed the file and the  
19 records therein, the Court is fully informed. For good cause shown, the motion is granted.

20 1. IT IS HEREBY ORDERED that 18 U.S.C. § 3509(m) applies to this case,  
21 and the Court is required to deny defense requests to copy, photograph, duplicate, or  
22 otherwise reproduce material constituting child pornography if the government makes the  
23 material reasonably available to Defendant and provides an ample opportunity for the  
24 defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

25 2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.  
26 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective defense  
27 in preparation for trial in this matter, the government will make the true forensic  
28 extractions and bit-by-bit E01 images of devices and media containing alleged child

1 pornography contraband at issue in the above-referenced case reasonably available to the  
2 defense and provide ample opportunity for the defense team to examine said data at a  
3 government facility in Spokane, Washington, or Omaha, Nebraska. The parties may  
4 readdress the Court if there is a need for additional or after-hours access during the course  
5 of litigation in the event trial or motion hearings require additional forensic review.

6 3. IT IS FURTHER ORDERED that the defense forensic examination will be  
7 conducted in an interview room monitored by closed-circuit television (“CC-TV”),  
8 without audio feed. Defendant will only attend or conduct such examination in the  
9 presence of another member of the defense team or a law enforcement agent. While the  
10 TV with non-audio feed will ensure the integrity of FBI space and security of its  
11 occupants, the video feed is not of sufficient detail or at an angle that would reveal defense  
12 strategy. The government and its agents expressly agree that no attempt will be made to  
13 record any audio from the workstation and that no attempt will be made to observe the  
14 defense team’s work product. The defense team may review the feed to ensure that  
15 defense strategy is not being compromised at any time while conducting the forensic  
16 review.

17 4. IT IS FURTHER ORDERED that the defense team<sup>1</sup> shall not make, nor  
18 permit to be made, any copies of the alleged child pornography contraband pursuant to  
19 this Protective Order and shall not remove any contraband images from the government  
20 facility. The defense team will be allowed to copy any file that is not contraband and  
21 compile a report (without contraband images/videos) documenting the examination on  
22 removable media at the discretion of the defense team. Defense team media and devices  
23 capable of data storage may be searched before being removed from the government  
24 facility to ensure no contraband images or videos are contained thereon.

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26 <sup>1</sup> For purposes of this Protective Order, the term “defense team” refers solely to  
27 Defendant, Dr. Matthew Miller, of Milhous Ink, LLC, Konstantinos “Gus” Dimitrelos of  
28 Cyber Forensics, and Shawn Kasal, of Aurelius Investigation & Consultants.

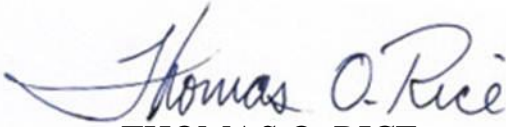
1           5.     IT IS FURTHER ORDERED that the defense team will leave at the  
2 government facility any equipment, including hard drives, which contain child  
3 pornography contraband that is identified during forensic evaluation. The parties may  
4 readdress this matter with the Court upon notice that the defense intends to retain a  
5 different defense expert.

6           6.     IT IS FURTHER ORDERED that for the purpose of trial, the government  
7 agrees to make available a digital copy of any government trial exhibit that contains  
8 contraband, which will be kept in the custody and control of the case agent. Upon  
9 reasonable notice by the defense, the case agent will also maintain for trial digital copies  
10 of any proposed defense exhibit that contains contraband. If the defense team intends to  
11 offer, publish, or otherwise utilize any government or defense exhibit contained on the  
12 digital copy maintained by the case agent during trial, the case agent shall assist the  
13 defense team in publishing or utilizing the exhibit that contains contraband upon  
14 notification by the defense team.

15           IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to  
16 counsel.

17           Dated January 20, 2022.



  
THOMAS O. RICE  
United States District Judge